

IN RE: PETITION FOR ZONING VARIANCE
5/9 Delaware Avenue, 164' W
of the c/l of Washington Street
(2923 Delaware Avenue)
13th Election District
1st Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-103-A

Alice McVickers
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R. to permit the construction of a dwelling on a 50-foot wide lot in lieu of the required 55 feet width, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petitioner were William Patterson, Contract Purchaser, Charles Moore and Gary Maynard Shoemaker. There were no Protestants.

Testimony indicated that the subject property, known as 2923 Delaware Avenue, consists of 13,800 sq.ft. zoned D.R. 5.5 and is presently unimproved. Petitioner is desirous of constructing a single family dwelling on the property in accordance with Petitioner's Exhibit 1. Testimony indicated that the requested variance is necessary to construct the proposed dwelling as the subject property does not meet current lot width requirements. Petitioner testified there is no adjoining land available for her to meet minimum lot width requirements and that there are other houses in the neighborhood which were built on 50-foot wide lots. She further testified that no additional variances will be needed for the building envelope. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the

surrounding community. Further testimony indicated that Petitioner has spoken to her adjoining neighbors who have no objections to her request.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

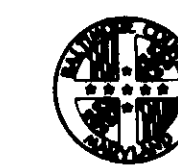
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of October, 1991 that the Petition for Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R. to permit the construction of a dwelling on a 50-foot wide lot in lieu of the required 55 feet width, in accordance with

Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) When applying for a building permit, the site plan filed must reference this case.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Petition for Variance

to the Zoning Commissioner of Baltimore County

92-103-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the construction of a dwelling on a 50-foot wide lot in lieu of the required 55 feet width, in accordance with Petitioner's Exhibit 1.

There is no available adjacent land to meet the 55' lot width. Mr. McVickers bought lots 102-103 in 1954 and willed to Alice McVickers (2nd wife). The adjacent lots 99-100 & 101 were bought in 1953 by Mr. McVickers and deeded in a life estate to the three children of his first wife.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

William Patterson
(Type or Print Name)
Signature

Address
City and State

Attorney for Petitioner:

(Type or Print Name)
Signature

Address
City and State

Attorney's Telephone No.:

Date
By

Alice McVickers
(Type or Print Name)
Signature

Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

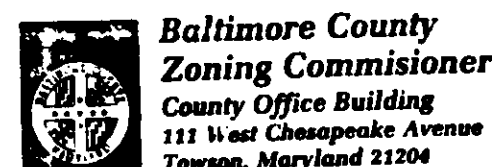
Address
City and State

Address
City and State

ESTIMATED LENGTH OF HEARING
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: DATE

92-103-A

Beginning at a point on the south side of Delaware Avenue, which is 25' wide at the distance of 165' west of the centerline of the nearest improved intersecting street Washington Street which is 50' wide. Being Lot #102-103 Block K in the subdivision of Baltimore Highlands, Plat 4 as recorded in Baltimore County Platbook 3, folio 50, containing 13,800 sq. ft. Also known as 2923 Delaware Avenue and located in the 13th Election District.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Item 116

1198000116

DATE: 10/21/91
TIME: 1:00 PM
BY: [Signature]
TOTAL: \$35.00

04404#0132MCHRC \$35.00
BA 011:58AM09-05-91
Please Make Checks Payable To: Baltimore County

plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 2923 Delaware Avenue
Subdivision name: Baltimore Highlands
Plat book: 3, folio 50, section 102-103
OWNER: ALICE McVICKERS

LOCATION INFORMATION
Cousilmanic District: 13
Election District: SN 7-B
1"-200' scale map: SN 7-B
Lot size: 53' x 133'-0"

Chesapeake Bay Critical Area: NO
Prior Zoning Hearing: NO
Zoning Office USE ONLY: CASE# 92-103-A

Scale of Drawing: 1" = 50' x 133'-0"

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 28, 1991

Ms. Alice McVickers
2305 Gable Avenue
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE
S/S Delaware Avenue, 164' W of the c/l of Washington Street
(2923 Delaware Avenue)
13th Election District - 1st Councilmanic District
Alice McVickers - Petitioner
Case No. 92-103-A

Dear Ms. McVickers:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. William Patterson
P.O. Box 177, Glen Burnie, Md. 21060

People's Counsel

File

2265-1558

This Deed, made this 28th day of October, 1991

between the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Witnesseth that the undersigned, Alice McVickers, of the County of Baltimore, State of Maryland, and between the undersigned, Timothy M. Kotroco, of the County of Baltimore, State of Maryland.

Patterson's
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>William Patterson</i>	<i>281 1st St. Baltimore, MD</i>
<i>Charles Plummer</i>	<i>444 W. Baltimore St. Baltimore, MD</i>
<i>Alice McVickers</i>	<i>8305 Lake Ave. Baltimore, MD</i>
<i>Centennial School</i>	<i>2400 Lake Ave. Baltimore, MD</i>

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/2, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26, 1991

THE JEFFERSONIAN,

S. Zeke Olson
 Publisher

\$ 57.16

NOTICE OF HEARING
 The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
 Case Number: 92-103-A
 5/5 Delaware Avenue, 164' W of c/l Washington Street
 2923 Delaware Avenue
 13th Election District - 1st Councilmanic
 Legal Owner(s): Alice McVickers
 Contract Purchaser(s): William Patterson
 Hearing Date: Tuesday, October 22, 1991 at 2:00 p.m.
 Notice: To permit the construction of a dwelling on a 50 ft. wide lot in lieu of the required 55 ft.
 Zoning Commissioner of Baltimore County
 9079 September 26

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 Office of Planning & Zoning

111 West Chesapeake Avenue
 Towson, MD 21204

DATE: 10-8-91

887-3354

COPY

William Patterson
 P. O. Box 177
 Glen Burnie, MD 21060

RE:
 CASE NUMBER: 92-103-A
 5/5 Delaware Avenue, 164' W of c/l Washington Street
 2923 Delaware Avenue
 13th Election District - 1st Councilmanic
 Legal Owner(s): Alice McVickers
 Contract Purchaser(s): William Patterson
 HEARING: TUESDAY, OCTOBER 22, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 57.16 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

William Patterson
 Lawrence S. Patterson

ZONING COMMISSIONER
 BALTIMORE COUNTY, MARYLAND

111 West Chesapeake Avenue
 Towson, MD 21204

SEPTEMBER 13, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-103-A
 5/5 Delaware Avenue, 164' W of c/l Washington Street
 2923 Delaware Avenue
 13th Election District - 1st Councilmanic
 Legal Owner(s): Alice McVickers
 Contract Purchaser(s): William Patterson
 HEARING: TUESDAY, OCTOBER 22, 1991 at 2:00 p.m.

Variance to permit the construction of a dwelling on a 50 ft. wide lot in lieu of the required 55 ft.

J. Robert Hines

Zoning Commissioner of
 Baltimore County

cc: Alice McVickers
 William Patterson

CASE NUMBER: 92-103-A
PETITIONER'S EXHIBIT #



2919 Delaware Avenue



2925 Delaware Avenue

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26, 1991

ARBUTUS TIMES

S. Zeke Olson
 Publisher

\$ 57.16

NOTICE OF HEARING
 The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
 Case Number: 92-103-A
 5/5 Delaware Avenue, 164' W of c/l Washington Street
 2923 Delaware Avenue
 13th Election District - 1st Councilmanic
 Legal Owner(s): Alice McVickers
 Contract Purchaser(s): William Patterson
 Hearing Date: Tuesday, October 22, 1991 at 2:00 p.m.
 Notice: To permit the construction of a dwelling on a 50 ft. wide lot in lieu of the required 55 ft.
 Zoning Commissioner of Baltimore County
 9079 September 26

CERTIFICATE OF POSTING

District: 13th Date of Posting: September 26, 1991

Posted for: various

Petitioner: Alice McVickers

Location of property: 5/5 Delaware Avenue, 164' W of c/l Washington Street, 2923 Delaware Avenue

Location of Sign: on front of 2923 Delaware Avenue

Remarks:

Posted by: J. Robert Hines Date of return: October 4, 1991

Number of Signs:



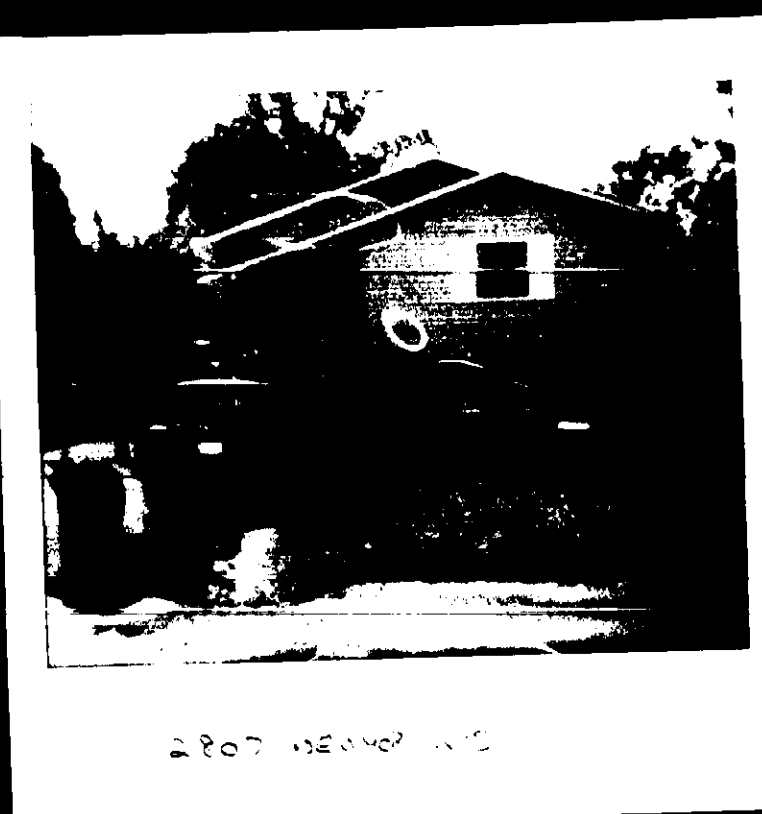
Baltimore County
 Zoning Commission
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

92-103

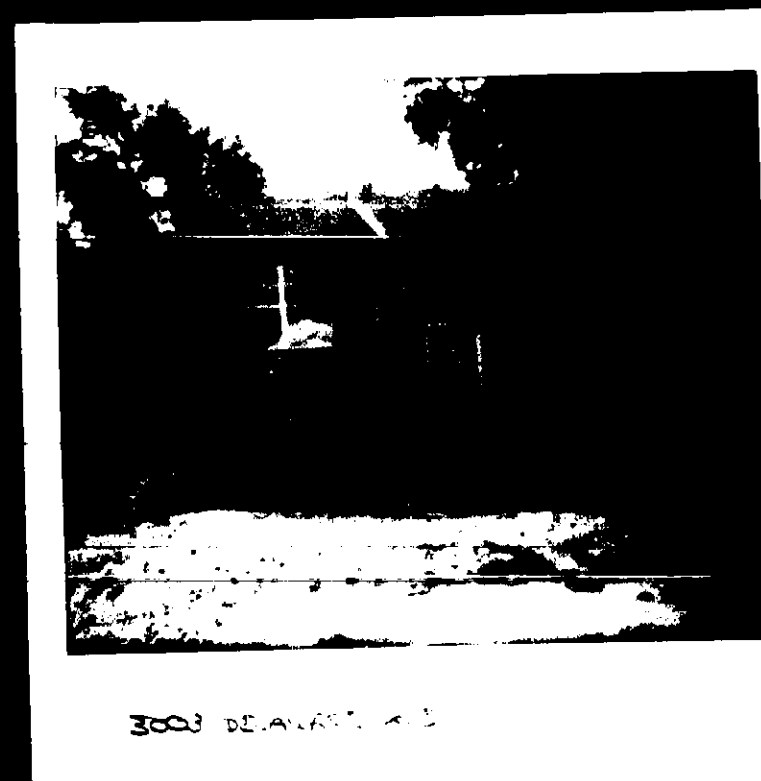
Account: R-001-6150
 Number:

UNADJUDICATED
 ON 000256PMD-19-91
 Please Make Checks Payable To: Baltimore County

Cashier Validation



2807 Delaware Avenue



3001 Delaware Avenue



CASE NUMBER: 92-103-A
PETITIONER'S EXHIBIT #



Delaware Avenue
 (West of Washington Street)

CASE NUMBER:

92-103-A

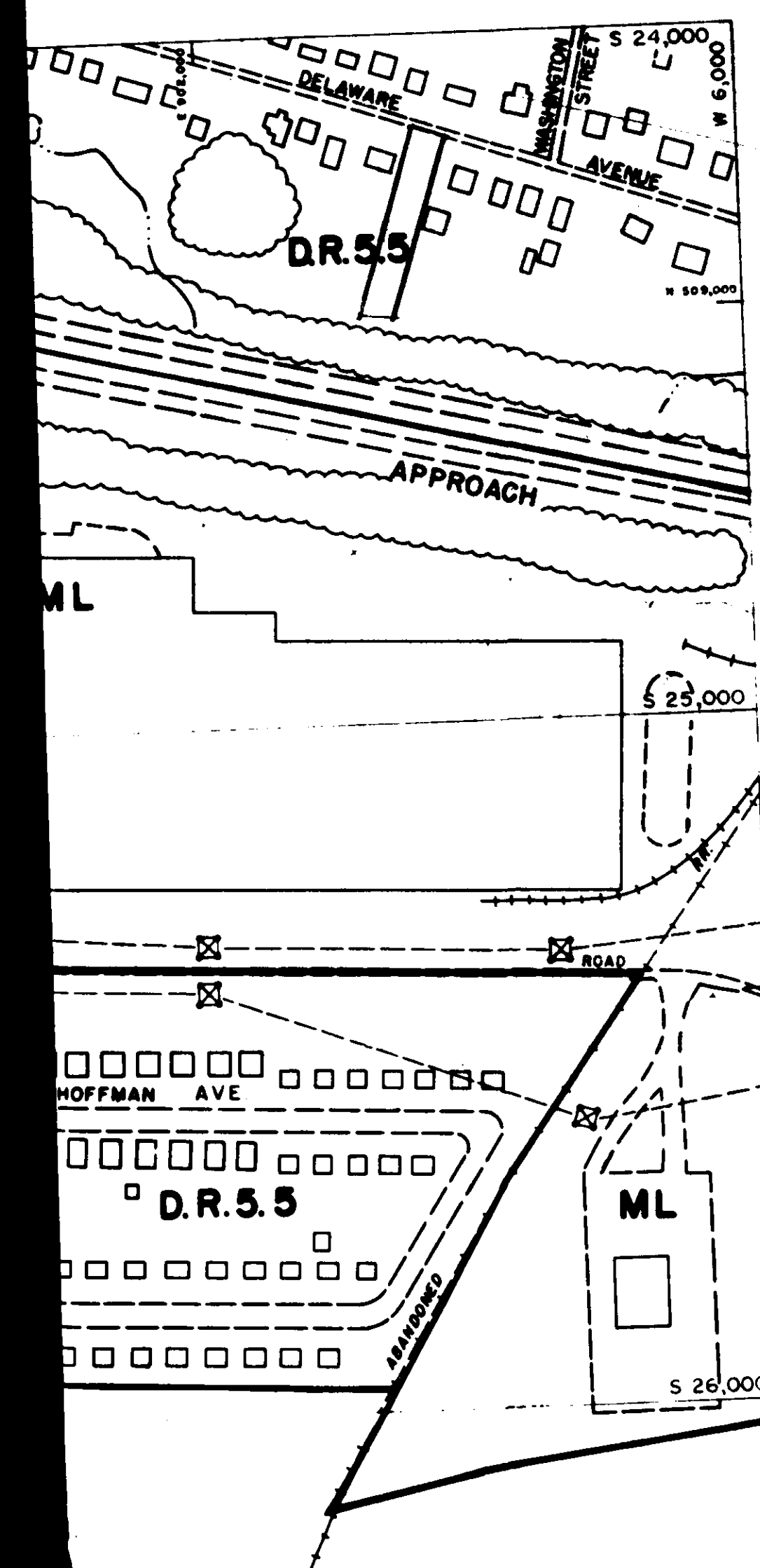
PETITIONER'S EXHIBIT #



2923 Delaware Avenue
(Lot)



Delaware Avenue
(East of Lot)



Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 8, 1991

Ms. Alice McVickers
2305 Gable Avenue
Baltimore, MD 21227

RE: Item No. 116, Case No. 92-103-A
Petitioner: Alice McVickers
Petition for Variance

Dear Ms. McVickers:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: October 8, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. William Patterson
P.O. Box 177
Glen Burnie, MD 21060

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

SEPTEMBER 22, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALICE MCVICKERS
Location: 2923 DELAWARE AVENUE
Item No.: 116 Zoning Agenda: SEPTEMBER 17, 1991
Certifier:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Arnold Jablon* Noted and Approved: *Robert W. Bowling*
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/KEF

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

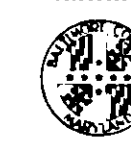
Z.A.C. MEETING DATE: September 17, 1991

There are no comments for item numbers 105, 113 and 116.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
5th day of September, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Alice McVickers

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: September 27, 1991
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Alice McVickers, Item No. 116

The petitioner is requesting a Variance to permit a 50 ft. width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

- In instances such as these, staff's primary concerns are:
1. What is the impact on adjoining property?
 2. Are adequate front, side and rear yard setbacks being provided on the site?
 3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdm
ITEM116/EXTROZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: September 24, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for September 17, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 105, 113, 116, and 117.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s